

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY AUGUST 18, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1432**

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**Introduced by Assembly Member Mitchell**  
**(Principal coauthors: Assembly Members Morrell and Wieckowski)**  
**(Coauthors: Assembly Members Torres, Valadao, and Williams)**

July 12, 2011

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An act to add Section 273j to the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1432, as amended, Mitchell. Crimes.

Existing law makes it a crime for a parent or guardian of a minor child to wilfully omit, without lawful excuse, clothing, food, shelter, or medical care for the child. Existing law also makes it a crime for a parent or guardian to desert a child under 14 years of age with the intent to abandon him or her.

This bill would provide that a parent or guardian of a child under 14 years of age who knowingly fails to report to law enforcement within 24 hours that the child has died when the death occurred under circumstances that would cause a reasonable person to believe that the death occurred as a result of a crime, or that the child has disappeared under circumstances that would lead a reasonable person to believe the child is in danger of physical harm, is guilty of a ~~felony~~ *misdemeanor, punishable by imprisonment in a county jail for up to one year, a fine not to exceed \$2,000, or by both that fine and imprisonment.* The bill ~~would further provide~~ *provide* that a parent or guardian of a child under

14 years of age who knowingly fails to notify law enforcement within 24 hours that the child has disappeared under circumstances other than those described above is guilty of a misdemeanor, *punishable by imprisonment in a county jail for up to 6 months, a fine not to exceed \$1,000, or by both that fine and imprisonment*. The bill would also provide that these provisions ~~would~~ *shall* not preclude prosecution under any other provision of law. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known as Caylee's Law.

2 SEC. 2. Section 273j is added to the Penal Code, to read:

3 273j. (a) Any parent or guardian having the care, custody, and  
4 control of a child under 14 years of age who knowingly fails to  
5 notify law enforcement within 24 hours of the death of the child  
6 if the child died under circumstances that would lead a reasonable  
7 person to believe that the death occurred as a result of a crime, or  
8 the disappearance of the child if the circumstances of the child's  
9 disappearance would lead a reasonable person to believe the child  
10 was in danger of physical harm, shall be guilty of a ~~felony~~  
11 *misdemeanor, punishable by imprisonment in a county jail for up*  
12 *to one year, a fine not to exceed two thousand dollars (\$2,000),*  
13 *or by both that fine and imprisonment.*

14 (b) Any parent or guardian having the care, custody, and control  
15 of a child under 14 years of age who knowingly fails to notify law  
16 enforcement within 24 hours of the disappearance of the child  
17 under circumstances other than those described in subdivision (a),  
18 shall be guilty of a misdemeanor, *punishable by imprisonment in*  
19 *a county jail for up to six months, a fine not to exceed one thousand*  
20 *dollars (\$1,000), or by both that fine and imprisonment.*

1 (c) Nothing in this section shall preclude prosecution under any  
2 other provision of law.

3 SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

12 SEC. 4. This act is an urgency statute necessary for the  
13 immediate preservation of the public peace, health, or safety within  
14 the meaning of Article IV of the Constitution and shall go into  
15 immediate effect. The facts constituting the necessity are:

16 In order to protect children from criminal acts that could lead to  
17 harm or death, it is necessary that this act take effect immediately.